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June 18, 2024

BY .ECF

The Honorable James K. Bredar
United States District Judge
District of Maryland
101 West Lombard Street
Chambers 5A
Baltimore, Maryland 21201

Re: *IMO Grace Ocean Private Ltd., et al.*
Case No. 24-00941-JKB (D. Md.)

Dear Judge Bredar,

Claimant, the Mayor and City Council of Baltimore (“Baltimore” or “City of Baltimore”), respectfully writes to the Court to request an emergency status hearing in this matter.

As Your Honor is aware, this Limitation Action proceeding arises from the collapse of the Francis Scott Key Bridge on March 26, 2024. Six days after the disaster, Grace Ocean Private Ltd. and Synergy Marine PTE Ltd. (collectively, the “Vessel Interests”) commenced this action under the Limitation of Liability Act of 1851, 46 U.S.C. 30523, *et seq.*

On April 1, 2024, this Court signed a restraining order, enjoining all potential claimants from filing claims outside of this proceeding. Claimants presently have until September 24 to file a claim. (ECF No. 8). The City of Baltimore filed its claim on April 22, 2024 (ECF No. 17).

The vessel and its entire crew are presently at Seagirt Marine Terminal in Baltimore, as law enforcement investigations and repairs of the vessel are ongoing. The crew consists entirely of foreign nationals who, of course, have critical knowledge and information about the events giving rise to this litigation. If they are permitted to leave the United States, Claimants may never have the opportunity to question or depose them.

Addressing these concerns, on April 12, 2024, counsel for the Vessel Interests assured counsel for a number of Claimants (including Chubb and the State of Maryland), that “[they] fully intended for all crew members to remain aboard the vessel for the foreseeable future and that, in the event it becomes necessary for a crew member to leave the vessel that we will give everyone as much notice as possible so that arrangements can be made to preserve their testimony.” *See* Attachment 1.

Unfortunately, the Vessel Interests have not abided by this promise. To the contrary, today, June 18, 2024, the Vessel Interests informed various claimants that certain crew members would be leaving the country as soon as June 20, 2024.

In light of that fact that tomorrow (June 19, 2024) is a federal holiday, Claimants are constrained to file this emergency request this afternoon for: (1) an emergency telephonic status conference as soon as the Court is available; (2) an order requiring the Crew of the MV Dali to remain within the United States until further order of this Court; and (3) an order requiring the Vessel Interests: (a) to guarantee the continuing availability for deposition of each of the members of the crew of the Dali who were onboard the Dali at the time of the allision with the Key Bridge; (b) at a mutually agreeable time after Petitioners have responded to the initial round of written discovery in the matter referenced above, to make each member of the Crew available for deposition in Baltimore, Maryland, at Petitioners’ sole expense; and (c) that should the Vessel Interests fail to comply with the Court’s Order and fail to produce any member of the Crew for deposition, the Vessel Interests will be subject to all remedies and sanctions available under the Federal Rules of Civil Procedure and the Local Rules of Civil Procedure for the United States District Court for the District of Maryland, including potential dismissal of the Vessel Interests’ claim for exoneration from or limitation of liability.

The City of Baltimore has communicated with Claimants who have not yet filed in this proceeding, specifically, Chubb and certain personal injury and wrongful death claimants, who also support this relief.

Respectfully submitted,



Adam J. Levitt
DiCello Levitt LLP

/s/ Sara Gross
Sara Gross
Chief
Affirmative Litigation Division
Baltimore City Department of Law

/s/ Jeffrey P. Goodman
Jeffrey P. Goodman
Saltz Mongeluzzi
Bendesky PC

Enclosure

cc: All counsel of record (by ECF)

Adam J. Levitt

From: Bennett III, William R. <william.bennett@blankrome.com>
Sent: Tuesday, June 18, 2024 9:34 AM
To: David Reisman; Amy, Jeanne L. (CIV); Phelan, Robert W.
Cc: McMillan, Neil; Adam J. Levitt; Walker, Lawrence F.; Andrew J. Connolly; Andrew K. O'Connell; Andrew R. Duffy; Bill Jackson; Cesar Ornelas; Chris Stewart; Craig Sico; Luccaro, Daniel J.; Daniel O. Rose; Daniel Schwartz; David Reisman; Diandra Debrosse Zimmermann; DDiSandro; Eli Hare; Eviealle Dawkins; Gregory F. Coleman; Guyer Bogen; Imran O. Shaukat; James Ulwick; James Bartlett III; James R. DeMay; Jason P. Foster; Jeanne Amy; jgoodman; Jessica Sullivan; John Langley; Justin Miller; Keith Jerrett; Kyle McGee; Laurie Furshman; Marc D. Grossman; Mark Coberly; Mark Lanier; Mark Meredith; Melissa Byroade; Melissa K. Sims; Michael Roth; Michelle Delemarre; Paul Bekman; Peggy Ward; Peter Mavroghenis; Raymond Waid; Rob Hopkins; Phelan, Robert W.; Ronald E. Richardson; Roy L. Mason; Sara Aguiñiga; Sara.Gross; Scott Partridge; Thomas M. Brown; Todd D. Lochner; Tom Langley; Victoria J. Maniatis; William H. Murphy; Zachary E. Howerton; Belknap, Thomas; Carlson, Kierstan; Merkel, Dana; Weigel, Alan M.; Hamra, Noe
Subject: RE: Petitioner's First Production of Documents

Counsel:

Our clients are in the process of arranging for replacement crew for the DALI. We have been advised that the U.S. Coast Guard will permit certain crew members to return to their home countries but has requested that other crew members remain in the United States. The crew members who will be permitted to return home are: Madathilparambil Chandrasekharan, Shiju (AB-1); Subramanian Selvakumar (AB-2); Margasseri Rajan (AB-3); Kumar Sunil (OS); Dominic Peeris Dobus Peeris (Oiler-1); Venu Sivalingam (Fitter); Kashmiri Lal (Cook); Nadammal Shershad (GS).

All of these crew members have been interviewed by DOJ and DOJ does not object to their departure from the United States.

In anticipation of potential requests to depose these crew members, we requested that USCG assist with securing temporary parole from CBP following their replacement in order to allow the crew members to briefly remain in the United States. USCG denied our request. Accordingly, the crew members will be transported directly from the Vessel to the airport prior to its departure from Baltimore (likely on or about June 20th).

We also discussed the possibility of depositions with the crew members' criminal counsel, Owen Duffy. Mr. Duffy indicated that, if his clients were noticed for depositions, he would advise them to invoke their 5th Amendment privilege.

Under the circumstances, we see no purpose in convening depositions on an emergency basis simply to accomplish this formality, but please let us know asap if anyone feels otherwise.

Kind regards,

William "Bill" R. Bennett III

PARTNER | BLANKROME

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From: Walker, Lawrence F. <LWalker@cozen.com>

Sent: Friday, June 14, 2024 8:07 AM

To: Bennett III, William R. <william.bennett@blankrome.com>

Cc: McMillan, Neil <Neil.McMillan@BlankRome.com>; Adam J. Levitt <alevitt@dicellolevitt.com>; Andrew J. Connolly <aconnolly@postschell.com>; Andrew K. O'Connell <Andrew.Oconnell@murphyfalcon.com>; Andrew R. Duffy <aduffy@smbb.com>; Bill Jackson <bjackson@kelleydrye.com>; Cesar Ornelas <cesar@oinjurylaw.com>; Chris Stewart <cstewart@smstrial.com>; Craig Sico <csico@shhlaw.com>; Luccaro, Daniel J. <DLuccaro@cozen.com>; Daniel O. Rose <DRose@kreindler.com>; Daniel R. Schwartz <dschwartz@dicellolevitt.com>; David Reisman <DReisman@liskow.com>; Diandra S. Debrosse Zimmermann <fu@dicellolevitt.com>; E. Douglas DiSandro, Jr. <ddisandro@smbb.com>; Eli J. Hare <ehare@dicellolevitt.com>; Éviealle Dawkins <edawkins@dicellolevitt.com>; Gregory F. Coleman <gcoleman@milberg.com>; Guyer Bogen <Guyer.S.Bogen@usdoj.gov>; Imran O. Shaukat <ishaukat@semmes.com>; James A. Ulwick <julwick@dicellolevitt.com>; James Bartlett III <JBartlett@semmes.com>; James R. DeMay <jdemay@milberg.com>; Jason P. Foster <jfoster@pencefirm.com>; Jeanne Amy <Jeanne.L.Amy@usdoj.gov>; Jeffrey P. Goodman <jgoodman@smbb.com>; Jessica Sullivan <Jessica.Sullivan@usdoj.gov>; John Langley <John.Langley@kennedyslaw.com>; Justin Miller <jmiller@smstrial.com>; Keith Jerrett <rkjarrett@liskow.com>; Kyle McGee <kmcgee@gelaw.com>; Laurie Furshman <LGFurshman@duanemorris.com>; Marc D. Grossman <mgrossman@milberg.com>; Mark Coberly <mark.coberly@wrvblaw.com>; Mark Lanier <mark.lanier@lanierlawfirm.com>; Mark Meredith <Mark.Meredith@rooselaw.co.uk>; Melissa Byroade <MByroade@kelleydrye.com>; Melissa K. Sims <msims@milberg.com>; Michael Roth <mroth@smstrial.com>; Michelle Delemarre <Michelle.Delemarre@usdoj.gov>; Paul Bekman <bekman@mdtrialfirm.com>; Peggy Ward <mward@downsward.com>; Peter Mavroghenis <Peter.Mavroghenis@shoresidelaw.com>; Raymond Waid <RWaid@liskow.com>; Rob Hopkins <RBHopkins@duanemorris.com>; Phelan, Robert W. <RPhelan@cozen.com>; Ronald E. Richardson <Ronald.Richardson@murphyfalcon.com>; Roy L. Mason <rlm@smouseandmason.com>; Sara Aguiñiga <saguiniga@dicellolevitt.com>; Sara Gross <sara.gross@baltimorecity.gov>; Scott Partridge <scott@partridgellc.com>; Thomas M. Brown <Thomas.M.Brown@usdoj.gov>; Todd D. Lochner <tlochner@boatinglaw.com>; Tom Langley <Tom.Langley@kennedys.com>; Victoria J. Maniatis <vmaniatis@milberg.com>; William H. Murphy <Billy.Murphy@murphyfalcon.com>; Zachary E. Howerton <zeh@smouseandmason.com>; Belknap, Thomas <Thomas.belknap@BlankRome.com>; Carlson, Kierstan <kierstan.carlson@blankrome.com>; Merkel, Dana <dana.merkel@blankrome.com>; Weigel, Alan M. <alan.weigel@blankrome.com>; Hamra, Noe <noe.hamra@BlankRome.com>

Subject: RE: Petitioner's First Production of Documents

Good morning Bill,

We will review your request for documents and revert in due course.



Lawrence F. Walker

Member | Cozen O'Connor

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From: Bennett III, William R. <william.bennett@blankrome.com>

Sent: Thursday, June 13, 2024 4:15 AM

To: Walker, Lawrence F. <LWalker@cozen.com>

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Subject: Re: Petitioner's First Production of Documents

****EXTERNAL SENDER****

Larry,

Please produce the entire underwriting and claim files your client possesses for the Francis Scott Key Bridge, including proof your client has made payment for the bridge damage.

Kind regards,

Bill

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On Jun 11, 2024, at 09:52, Walker, Lawrence F. <LWalker@cozen.com> wrote:

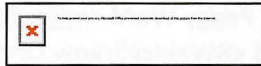
Gentlemen,

Item 94 on your Index relates to "IE-4 440V Switchboard 001-H2677 MVSb REV_B.pdf" bates range 3386-3642.

That document does not exist in the production. In fact, the previous document, the 6.6kV switchboard was produced twice. The 6.6kV switchboard document was produced in the bates location for the 440V switchboard.

Please send along the 440 drawings that were intended to be produced.

Thank you.



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From: McMillan, Neil <Neil.McMillan@BlankRome.com>

Sent: Friday, June 7, 2024 8:18 PM

To: Adam J. Levitt <alevitt@dicellolevitt.com>; Andrew J. Connolly <aconnolly@postschell.com>; Andrew K. O'Connell <Andrew.Oconnell@murphyfalcon.com>; Andrew R. Duffy <aduffy@smbb.com>; Bill Jackson <bjackson@kelleydrye.com>; Cesar Ornelas <cesar@oinjurylaw.com>; Chris Stewart <cstewart@smstrial.com>; Craig Sico <csico@shhlaw.com>; Luccaro, Daniel J. <DLuccaro@cozen.com>; Daniel O. Rose <DRose@kreindler.com>; Daniel R. Schwartz <dschwartz@dicellolevitt.com>; David Reisman <DReisman@liskow.com>; Diandra S. Debrosse Zimmermann <fu@dicellolevitt.com>; E. Douglas DiSandro, Jr. <ddisandro@smbb.com>; Eli J. Hare <ehare@dicellolevitt.com>; Éviealle Dawkins <edawkins@dicellolevitt.com>; Gregory F. Coleman <gcoleman@milberg.com>; Guyer Bogen <Guyer.S.Bogen@usdoj.gov>; Imran O. Shaukat <ishaukat@semmes.com>; James A. Ulwick <julwick@dicellolevitt.com>; James Bartlett III <JBartlett@semmes.com>; James R. DeMay <jdemay@milberg.com>; Jason P. Foster <jfoster@pencefirm.com>; Jeanne Amy <Jeanne.L.Amy@usdoj.gov>; Jeffrey P. Goodman <jgoodman@smbb.com>; Jessica Sullivan <Jessica.Sullivan@usdoj.gov>; John Langley <John.Langley@kennedyslaw.com>; Justin Miller <jmiller@smstrial.com>; Keith Jerrett <rkjarrett@liskow.com>; Kyle McGee <kmcgee@gelaw.com>; Laurie Furshman <LGFurshman@duanemorris.com>; Walker, Lawrence F. <LWalker@cozen.com>; Marc D. Grossman <mgrossman@milberg.com>; Mark Coberly <mark.coberly@wrvblaw.com>; Mark Lanier <mark.lanier@lanierlawfirm.com>; Mark Meredith <Mark.Meredith@rooselaw.co.uk>; Melissa Byroade <MByroade@KelleyDrye.com>; Melissa K. Sims <msims@milberg.com>; Michael Roth <mroth@smstrial.com>; Michelle Delemarre <Michelle.Delemarre@usdoj.gov>; Paul Bekman <bekman@mdtrialfirm.com>; Peggy Ward <MWard@downs-ward.com>; Peter Mavroghenis

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Cc: Bennett III, William R. <william.bennett@blankrome.com>; Belknap, Thomas <Thomas.belknap@BlankRome.com>; Carlson, Kierstan <kierstan.carlson@blankrome.com>; Merkel, Dana <dana.merkel@blankrome.com>; Weigel, Alan M. <alan.weigel@blankrome.com>; Hamra, Noe <noe.hamra@BlankRome.com>

Subject: RE: Petitioner's First Production of Documents

****EXTERNAL SENDER****

Dear Counsel:

You should have just received a notification from ShareFile to access Petitioner's first production of documents. To access the files, please click on the link from the ShareFile notification, enter your email address and then create a password. Once the zip file has been downloaded, it will prompt you to enter a password. The password to download the enclosed zip file is: **fl/5&8R)vq**

Please let us know if you have any issues downloading the documents.

Best regards,

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